

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 6121.019

First Inventor Peter H. Bartels

Title Diagnostic Scanning Microscope for Information...

Express Mail Label No. EV 216212771 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 40]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 21]
5. ☒ Oath or Declaration [Total Pages 2]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - c. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Petition; Cert. of Mailing; Title Page

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. _____

Prior application information:

Examiner: _____

Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Labelor ☐ Correspondence address below

Name	Antonio R. Durando				
Address	Durando Birdwell & Janke, PLC				
	2929 E. Broadway Blvd.				
City	Tucson	State	AZ	Zip Code	85716
Country	US	Telephone	520-881-9442	Fax	520-881-9448

Name (Print/Type)	Antonio R. Durando	Registration No. (Attorney/Agent)	28,409
Signature	<i>[Signature]</i>	Date	24 June 03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

19972 U.S. PTO

10/602756

06/24/03

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
563.00**Compleat If Known**

Application Number	
Filing Date	
First Named Inventor	Peter H. Bartels
Examiner Name	
Art Unit	
Attorney Docket No.	6121.019

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

04-1935

Antonio R. Durando

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	375
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			375

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
22	20 = 2	9	18
Independent Claims	2	0	0
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)			18

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920	1804 920	Requesting publication of SIR prior to Examiner action	
1805 1,840	1805 1,840	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1602 1470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	40
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)
170**SUBMITTED BY**

Name (Print/Type)	Antonio R. Durando	Registration No. (Attorney/Agent)	28,409	Telephone	520-881-9442
Signature	<i>Antonio R. Durando</i>	Date	6/24/03		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



CASE DOCKET NO.: 6121.019

APPLICANT(S): Peter H. Bartels

APPLICATION TITLE: "Diagnostic Scanning Microscope for Information-Enriched Qualitative Histopathology"

CERTIFICATE OF MAILING

I hereby certify that the items listed below are being deposited with the United States Postal Service utilizing the "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service, mailing label number EV 216212771 US, under 37 CFR 1.10 in an envelope addressed to: MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 24th day of June, 2003.


Kathleen C. Tennant

Enclosed are:

- [X] Itemized return postcard
- [X] A check in the amount of \$563 to cover the filing fee, recordation fee, and petition fee.
- [] Provisional Application for Patent Cover Sheet
- [X] Utility Patent Application Transmittal sheet
- [X] Fee Transmittal sheet (in duplicate)
- [X] Declaration for Utility or Design Patent Application
- [X] A specification of the invention and claims.
- [X] Power of Attorney or Authorization of Agent
- [X] Statement Under 37 CFR 3.73(b)
- [X] Assignment Agreement and Recordation Cover Sheet
- [] Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)
- [X] 21 sheets of drawings.
- [] photographs submitted as informal drawings for reference purposes only.
- [X] Information Disclosure Statement
- [X] Copies of prior art
- [X] Petition Under 37 CFR 1.84(2) to File with Color Drawings (including 3 sets each of Fig. 26 and Fig. 29 in color and 1 black and white sheet of Fig. 26 and Fig. 29)
- [] Copy of priority document

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PETER H. BARTELS

DOCKET NO.: 6121.019

SERIAL NO.:

EXAMINER:

FILED:

ART UNIT:

TITLE: DIAGNOSTIC SCANNING MICROSCOPE FOR INFORMATION-ENRICHED
QUALITATIVE HISTOPATHOLOGY

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Antonio R. Durando
Durando Birdwell & Janke, PLC
2929 E. Broadway Blvd.
Tucson, AZ 85716
520-881-9442

CERTIFICATE OF MAILING

I hereby certify that on this 24th day of June,
2003, this correspondence is being deposited with the U.S. Postal
Service as first class mail in an envelope addressed to: Mail
Stop Patent Application, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

By

Kathleen C. Tennant
Kathleen C. Tennant

TO THE COMMISSIONER FOR PATENTS

PETITION UNDER 37 CFR 1.84(2) TO FILE WITH COLOR DRAWINGS

Dear Sir:

This is a Petition is submitted under 37 CFR 1.84(2) for
permission to file the attached patent application with two color
drawings. The following items are included:

06/26/2003 SZEMDIE1 00000076 10602756

03 FC:1460

130.00 OP

- A check in the amount of \$130.00 to cover the fee required by Paragraph 1.17(h);
 - Three sets of each color drawing; and
 - A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawings.
- The specification of the invention contains the required language preceding the description of the drawings.

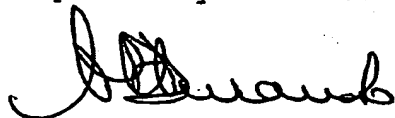
The essence of the invention to which these drawings pertain lies in the idea of enhancing microscope images used for medical diagnostic purposes in such a way as to render visible features that are not otherwise visually perceptible. These image enhancements are achieved in part by adding color to portions of the image where these features lie. Accordingly, the only way to illustrate this aspect of the invention is by showing sets of before-and-after color pictures of the same image. Black and white reproductions do not show visible distinctions and, therefore, do not serve the purpose of illustrating the invention.

In view of the foregoing, the applicant respectfully requests that he be allowed to submit color drawings with his patent application.

As noted above, a check for \$130 is attached to cover the

required fee. Please charge any other cost that may be associated with this transmittal to our Deposit Account No. 04-1935.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Antonio R. Durando', with a stylized flourish at the end.

Antonio R. Durando
Reg. No. 28,409

(520) 881-9442 Telephone
(520) 881-9448 Fax